

CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & AUGHTRY

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

1200 SMITH STREET, SUITE 1400

HOUSTON, TEXAS 77002

(713) 658-1818 (800) 342-5829

(713) 658-2553 (FAX)

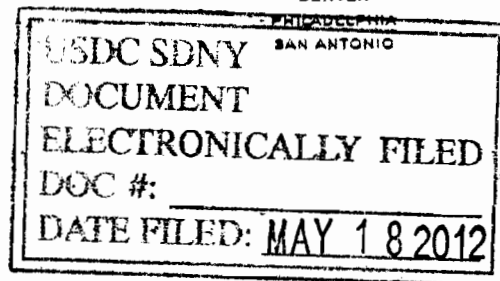
www.chamberlainlaw.com

May 16, 2012

WILLIAM S. HELFAND
SHAREHOLDER
DIRECT DIAL NO. (713) 654-9830
E-MAIL: bill.helfand@chamberlainlaw.com

ATLANTA
DENVER

PHILADELPHIA
SAN ANTONIO



Via Facsimile (212) 805-0426

The Honorable Laura Taylor Swain
United States Courthouse
500 Pearl St.
New York, New York 10007-1312

MEMO ENDORSED

Re: Cause No. 12-cv-3044 (LTS); *Marsh USA Inc., et al. v. Falk*, In the United States District Court for the Southern District of New York

Dear Judge Swain:

Consistent with the Court's Individual Practices, the parties conferred, both in writing and by telephone, and used their best efforts to resolve informally the matters Falk wishes to raise in his Motion to Dismiss under Rule 12 of the Federal Rules of Civil Procedure. However, the parties were unable to reach an agreement on the issues.

Accordingly, to the extent the Court's practices require Falk to request permission to file a Rule 12 motion, Falk respectfully requests permission to file a Motion to Dismiss raising the following matters:

- Lack of Subject Matter Jurisdiction under Rule 12(b)(1);
- Lack of Personal Jurisdiction under Rule 12(b)(2);
- Improper Venue under Rule 12(b)(3); and
- Failure to State a Claim upon which Relief Can be Granted under Rule 12(b)(6).

In light of the issues Falk must address, Falk also respectfully requests the Court's permission to file a memoranda of law in excess of the Court's twenty-five (25) page restriction. Falk's memoranda is twenty-eight (28) pages in length, exclusive of its cover page, table of contents, table of authorities, and signature and certificates pages. Accordingly, Falk requests permission to file a memorandum of law in support of his motion to dismiss of twenty-eight (28) pages.

During the parties' conference, Plaintiffs' counsel represented to Falk's counsel that Plaintiffs are not opposed to this three-page extension request. Falk's deadline to file his responsive pleading is Thursday, May 17, 2012.

The Honorable Laura Taylor Swain
May 16, 2012
Page 2

Thank you for your attention to this important matter. Should the Court require any further information, I would be pleased to do so.

Sincerely,



William S. Helfand

WSH:KRS

1019493_1

cc: Via Facsimile (212) 832-2719
Gregory B. Reilly
Jennie Woltz
Littler Medelson, P.C.
900 Third Avenue
New York, New York 10022

Counsel for Plaintiffs

Via Facsimile (212) 732-3232
Judith A. Lockhart
Leonardo Trivigno
Carter Ledyard & Milburn LLP
2 Wall Street
New York, New York 10005

Local Counsel for Defendant

The request is granted.

SO ORDERED,

NEW YORK, NY

May 17, 2012
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE